

JASON CARMONA,

Plaintiff,

vs.

UNION COUNTY SHERIFF'S OFFICE,
et al.,

Defendants.

THIS MATTER is before the Court on the Plaintiff's pro se Letters
[Docs. 8, 9].

The pro se Plaintiff, a pretrial detainee at the Union County Jail, filed this action pursuant to 42 U.S.C. §§ 1983 and 1985, and North Carolina law addressing the circumstances of various arrests and his pending criminal prosecutions. Before the Complaint was reviewed for frivolity, the Plaintiff filed the instant “Letters” in which he purports to “give more information (evidence) on the issue at hand” [Doc. 8 at 1] and request a jury trial [Doc. 9].

A plaintiff may amend the complaint once as a matter of course within 21 days after serving the complaint, or within 21 days after service of a

responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), which is earlier. Fed. R. Civ. P. 15(a)(1). A plaintiff may subsequently amend with permission from the court which “shall be freely granted when justice so requires.” Fed. R. Civ. P. 15(a)(2).

It appears that the Plaintiff is attempting to amend the Complaint by way of these Letters. The Plaintiff was previously cautioned against filing letters to the Clerk or the undersigned judge because they are improper and are subject to being stricken from the record. [See 3 at ¶ 5]. Further, piecemeal amendment will not be permitted. The Plaintiff may file a superseding Amended Complaint on a § 1983 form that clearly identifies the Defendants against whom he intends to proceed, and sets forth facts describing how each of the Defendants allegedly violated his rights. See generally Fed. R. Civ. P. 10(a). Any Amended Complaint will be subject to all timeliness and procedural requirements and will supersede his prior filings. If the Plaintiff fails to timely amend in accordance with this Order, the Court will proceed on the Complaint. [Doc. 1].

Moreover, the Court notes that the Plaintiff has engaged in abusive litigation before this and other federal district courts. [See, e.g., 3:22-cv-264, Doc. 9 (summarizing the Plaintiff’s litigation history)]. The Plaintiff would be well served to carefully review the Order of Instructions, the Local Rules of

this Court, and the Federal Rules of Civil Procedure before taking any further action in this case. [See id.].

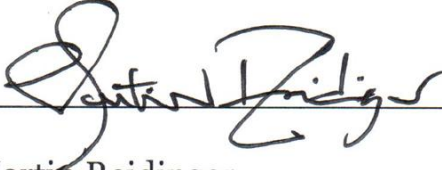
IT IS, THEREFORE, ORDERED that:

1. The Plaintiff's Letters [Docs. 8, 9] are construed as piecemeal amendments to the Complaint and are **DENIED** as stated in this Order.
2. The Plaintiff may file a superseding Amended Complaint within **thirty (30) days** of this Order. If the Plaintiff fails to file an Amended Complaint in accordance with this Order, this action will proceed on the original Complaint [Doc. 1].

The Clerk is respectfully instructed to mail the Plaintiff a blank prisoner § 1983 complaint form and copies of the Complaint [Doc. 1], the Order of Instructions [Doc. 3], the docket sheet, and this Order.

IT IS SO ORDERED.

Signed: September 7, 2022



Martin Reidinger
Chief United States District Judge

